

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

To: TBK-Patent Leson, Thomas J. A. Bavariaring 4-6 80336 München <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-top: 10px;"> RECEIVED EINGEGANGEN 15. März 2004 TBK - PATENT </div>

Applicant's or agent's file reference WO 33191	Date of mailing <i>(day/month/year)</i> <div style="float: right; font-weight: bold;">12 -03- 2004</div>
International application No. PCT/IB 2002/002181	International filing date <i>(day/month/year)</i> 13.06.2002
Priority date <i>(day/month/year)</i>	
International Patent Classification (IPC) or both national classification and IPC H04Q 7/38, H04B 7/005	
Applicant Nokia Corporation et al	

1.	<input type="checkbox"/> The written opinion established by the International Searching Authority: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> is <input type="checkbox"/> is not </div> considered to be a written opinion of the International Preliminary Examining Authority.
2.	This <u>first</u> (first, etc.) opinion contains indications relating to the following items: <div style="margin-top: 5px;"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application </div>
3.	The applicant is hereby invited to reply to this opinion. <div style="margin-top: 5px;"> When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e). How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9. Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4. If no reply is filed, the international preliminary examination report will be established on the basis of this opinion. </div>
4.	The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: <u>13.10.2004</u>

Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. 46 8 667 72 88	Authorized officer Johanna Schyberg /OGU Telephone No. 46 8 782 25 00
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Form PCT/IPEA/408 (cover sheet) (January 2004)

16.5.04 ✓

17.11.04 ✓

**WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

International application No.

PCT/IB 2002/002181

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the international application as originally filed/furnished

☐ the description:

pages _____ as originally filed/furnished

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

☐ the claims:

pages _____ as originally filed/furnished

pages _____ as amended (together with any statement) under Article 19

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

☐ the drawings:

pages _____ as originally filed/furnished

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

WRITTEN OPINION OF THE
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 1-21 in part

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 1-21 in part

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

the written form

☐

has not been furnished

☐

does not comply with the standard

the computer readable form

☐

has not been furnished

☐

does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with
the technical requirements provided for in the Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/IB 2002/002181

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1, 11, 21</u>
	Claims	_____
Inventive step (IS)	Claims	<u>1, 11, 21</u>
	Claims	_____
Industrial applicability (IA)	Claims	<u>---</u>
	Claims	_____

2. Citations and explanations:

Prior art

In the international search report the following documents were cited:

D1: EP 1209936 A

Statement of Reason

The invention according to the description is not clear from claims 1, 11 and 21. The claims contain so many options that a lack of clarity and conciseness within the meaning of Article 6 PCT arises. Claims 1, 11 and 21 describe so few technical features that they are not novel in relation to, in principle, any document describing power control in a CDMA system, e.g. D1. Hence, the invention claimed in claims 1, 11 and 21 is not novel.

We would like to remind you that the search only has been carried out for those parts of claims 1, 11 and 21, which appear to be supported and disclosed by the description, namely a method and system for adaptive resource allocation of a physical shared channel by adjusting power or spreading factor. The method/system implies that three parameters are considered; average transmitted power, relative activity factor and weighted code blocking rate. Claims 2 and 11 are considered to disclose the invention. Hence, the dependent claims have been interpreted as dependent on claims 2 and 11. The international examination has only been carried out for those parts of the claims covered by the international search.

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